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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,631	01/31/2007	Osman N. Ozes	INTMU.036NP	4057

EXAMINER	
HENLEY III, RAYMOND J	

ART UNIT	PAPER NUMBER
1614	

MAIL DATE	DELIVERY MODE
12/13/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/574,631

**Applicant(s)**

OZES ET AL.

**Examiner**

Raymond J. Henley III

**Art Unit**

1614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5 and 12-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 12-23 is/are rejected.
- 7) ☒ Claim(s) 5, 19-21 and 23-25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10/22/07
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**CLAIMS 1-3, 5 AND 12-25 ARE PRESENTED FOR EXAMINATION**

Applicants' amendment and remarks filed September 20, 2007 and the Information Disclosure Statement filed October 22, 2007 have been received and entered into the application.

Accordingly, the claims have been amended as indicated by Applicant. Also, as reflected by the attached, completed copies of form "Substitute for form 1449/PTO", (5 sheets), the cited references have been considered.

In light of Applicants' amendment and remarks, the claim rejection under 35 U.S.C. § 112, first paragraph has been in-part overcome. To the extent that the claims are directed to specific cancer types, the claim rejection, *infra*, does not apply.

***Claim Objection***

Claims 5, 19-21 and 23-25 are objected to as depending from rejected claims, but are otherwise in condition for allowance.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejection - 35 USC § 112, First Paragraph***

Claims 1-3, 12-18 and 22 are rejected under 35 U.S.C. 112, first paragraph, for the reasons set forth in the previous Office action *only* pertaining to the non-specific nature of the term "cancer", i.e., the skilled artisan would not have been imbued with a reasonable expectation that any and all cancers could be treated with the claimed compounds because the art is devoid of the accomplishment of such a therapeutic objective. See the previous Office action at pages 2-8, those sections labeled as "*II*".

In apparent response to the Examiner's rejection, the claims have been amended to recite "carcinoma, sarcoma, leukemia, lymphoma". However, while sarcoma, leukemia and lymphoma are sufficiently directed to a particular type of cancer, such is not the same for carcinoma, which is merely a general term directed to cancerous, ("carcin-"), tumors ("-oma").

Insofar as the Examiner's previous remarks directed to the term "cancer" would equally apply to the term "carcinoma", the above claims are properly rejected.

None of the claims are currently in condition for allowance.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J Henley III whose telephone number is 571-272-0575. The examiner can normally be reached on M-F, 8:30 am to 4:00 pm Eastern Time.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Raymond J Henley III  
Primary Examiner  
Art Unit 1614

December 6, 2007